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cc: MTC@mchsi.com, kflorini@environmentaldefense.org, rdenison@environmentaldefense.org
Subject: Environmental Defense comments on 1-(4-chlorophenyl)-4,4-dimethyl-3-pentanone (CAS# 66346-01-8)

(Submitted via Internet 6/24/04 to oppt.ncic@epa.gov, hpv.chemrtk@epa.gov, boswell.karen@epa.gov, chem.rtk@epa.gov, MTC@mchsi.com, and cynthia.graham@bayerpolymers.com)

Environmental Defense appreciates this opportunity to submit comments on the robust summary/test plan for 1-(4-chlorophenyl) -4,4-dimethyl-3-pentanone (CAS# 66346-01-8).

Bayer CropScience LP, in response to EPA's High Production Chemical Challenge, has submitted robust summaries and a test plan describing available data and proposed testing to address SIDS elements required for 1-(4-chlorophenyl)-4,4-dimethyl-3-pentanone, also known by its common name, HWG alkylketone. This brief submission states that HWG alkylketone is produced and used as a closed system intermediate in the production of an agricultural fungicide. No other uses are mentioned. HWG alkylketone is said to be used exclusively as a closed system intermediate, as documented in a separate document considered Confidential Business Information submitted to the EPA and not available to the public. (NOTE: This paragraph of the test plan was apparently lifted from a previous submission and uses the incorrect name for HWG alkylketone.) We are hence forced to defer to EPA to evaluate whether this status claim is warranted, and urge EPA to thoroughly review the basis for this claim and to address its adequacy in the Agency's own comments on this submission. We also must question why such information can or should legitimately be claimed to be CBI and denied to the public.

The test plan is brief, written in a casual style and does not provide a structure or formula for HWG alkylketone. The robust summary includes numerous blank pages, but the data described are well-organized and appear to have been obtained from carefully conducted studies. HWG alkylketone is quite toxic to aquatic organisms; thus, some concern is raised by the fact that that it is "extremely stable" in water, with a water stability half-life >1 year, and also a biodegradability half-life >1 year.

Data are provided for most of the reduced set of SIDS elements required for a closed system intermediate. Those SIDS elements not currently addressed, chromosomal aberration and developmental toxicity, are proposed to be addressed through studies conducted according to OECD guidelines.

Assuming material submitted to the EPA as Confidential Business Information and not available to the public fulfills the requirements for demonstrating closed-system intermediate status, this submission appears to be adequate to fulfill the requirements of the HPV Challenge for HWG alkylketone.

Thank you for this opportunity to comment.

Hazel B. Matthews, Ph.D.

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